



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,736	10/10/2001	Edward Christopher Miller	480180.402	9382

22504 7590 05/07/2004

DAVIS WRIGHT TREMAINE, LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

EXAMINER

MISTRY, O NEAL RAJAN

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,736

Applicant(s)

MILLER ET AL.

Examiner

O'Neal R Mistry

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application has been examined.
2. Claims 1-14 are now pending.

Drawings

3. The Examiner contends that the drawings submitted on 10/10/2001 are acceptable for examination proceedings.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 13-14 recites the limitation "The computer-readable media of claim 7" in line 1. There is insufficient antecedent basis for this limitation in the claim. In claim 7 it recites "A method of selecting a CODEC". These two claims have no relevant factors together.
5. Claim 1 recites the limitation "the circuitry" in line 5. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 2-6 recites the limitation "the circuit board" in line 7. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 3 recites the limitation "the user" in line 2. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 4 recites the limitation "the user" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 1-6 rejected under 35 U.S.C. 102(e) as being anticipated by Chung et al (U.S. Patent Number 6,628,963), hereinafter referred to as Chung.

9. Chung disclose a portable multimedia player that contains portable phone for modem connection, a multimedia control sections that operates the entire portable devices and including a CPU, a control circuit, a memory having a predetermined storage capacity to store audio or video files and can be downloaded by online communication, a system ROM for predetermined functionality of the portable device, a key input section having a plurality of functions for MPEG-1 video functions or MP3 audio signal, an audio codec mixing sections adapted to output the audio signal, and a LCD screen to display digital image or functionality of operation of portable device. This is stated in the "Abstract".

10. Claim 2 rejected on the teaching of Chung: "a portable phone section having a modem adapted to communicate with an external device; a multimedia control section adapted to perform a control of the overall operation section including a CPU, a control logic circuit, a memory having a predetermined storage capacity and adapted to store a

music file and a moving picture file downloaded by the way of online communication, and a system Rom adapted to store control program" (col. 1 line 34-41). Also Chung teaches a LCD screen that is connected to the portable device. "adapted to display video signal applied thereto from the MPEG data processing section and multimedia information of current state on the LCD screen." (col. 1 lines 51-53).

11. Claim 3 and 4 rejected on the teachings of Chung: "a key input section having a plurality of functions keys and adapted to input a control signal for controlling each of the elements of the portable multimedia player" (col. 1 lines 41-46). This clearly states that the user can input information into the portable multimedia, by touching the function keys on the console. (col 3 lines 30-33).

12. Claim 5 rejected on the teaching of Chung: "A MPEG data processor, which includes a MPEG video section 64 and a MPEG audio section 62, processes an audio signal and a video signal according to a reproduction of a moving picture. An audio data outputted from the MP3 section 62 is applied to a digital-analog converters" (col 2-line 66 – col. 3 line 10), in addition to "an image outputting section 50 includes a LCD control section 52 and a LCD 54, which controls a signal outputted from MPEG video section to output images while displaying the current status of multimedia." Chung teaches the process configures the portable device for audio output or video output by data type of the file (col. 3 lines 16-20).

13. Claim 6 rejected on the teachings of Chung: "to convert the MP3 audio digital signal into an analog signal to output the concerted signal to the outside; and image outputting sections adapted to display a video signal applied thereto from the MPEG

data processing sections and multimedia information of current status on a LCD screen; and a audio codec mixing section adapted to output the audio signal applied from the MPEG data processing sections as a stereo audio signal to the outside through a voice outputting section.” (col 2 line 48- 57). Chung discloses the codec to change the digital data to audio or video data based on the data type of the file.

14. Claim 7 &11 rejected on the teaching of Chung: “ a key input sections having a plurality of function keys and adapted to input a control signal for controlling each of the elements of the portable media player” (col 1 lines 43-45), also Chung stated that the processor can choose a MPEG data or MP3 data from the codecs, and process them through the data processor for video or audio interface. This information is cited (col. 2 line 62- col. 3 line 11, and illustrated in Figure 3) .

15. Claim 8 &12 rejected on the teaching of Chung: “ A multimedia control section which controls the overall operation of the portable multimedia player, includes a CPU 24, a general control logic circuit 22, a memory26, and a system ROM 28. Control program stored in the system multimedia player and performs a general communication functions through the portable phone sections 10.” (col. 2 lines 49-60) Also, including “a key input section 30 consisting of a variety of numeral keys and function keys is disposed on the casing 2” (col. 2 lines 30-34). Chung discloses the user with command controls that are in a predetermined format. This entire process is used for searching through the plurality of codec.

16. Claim 9 & 13 rejected on the teaching of Chung: “to convert the MP3 audio digital signal into an analog signal to output the converted signal to the outside; an image

outputting section adapted to display a video signal applied thereto from the MPEG data processing section and multimedia information of current status on the LCD screen; and an audio codec mixing section adapted to output through a voice outputting section.” (col. 1 lines 49-57).

17. Claim 10 & 14 rejected on the teaching of Chung: “A mpeg data process 60 which includes a m MPEG video 64 and an MPEG audio section 62, processes an audio signal and a video signal according to a reproduction of a moving picture.” (col. 2 line 66- col. 3 line 3), and in addition “a MPEG data processing section adapted to process a MPEG-1 video signal and a MP3 audio signal from a file stored in the CD player section or the multimedia control section and to convert the MP3 audio digital signal into an analog signal to output” (col. 2 lines 44-50).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's discloser.

1. Chung et al (U.S. Patent Number 6,628,963) discloses a portable multimedia player that contains a plurality of codecs, and contains a LCD screen, takes in user command inputs, and has the ability to display information about the data file.

2. Kagle et al (U.S. Patent Number 6,601,056) discloses a removable digital medium that supports a plurality of data formats and supports automatic format conversation; also is a electrical devices that has the ability to read/store the information in a directory structure.

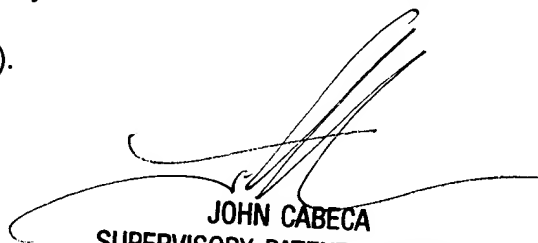
Art Unit: 2173

Any inquiry concerning this communication or earlier communications from the examiner should be directed to O'Neal R Mistry whose telephone number is (703) 305-2738. The examiner can normally be reached on 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703)308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O'Neal Mistry
Assistant Patent Examiner
Art Unit 2173



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100